

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 267 of 2022

Manas Ranjan Jenamani ***Petitioner***
Mr. Arijeet Mishra, Advocate

-versus-

Elina Samal and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

01.12.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this RPFAM seeks to assail the judgment dated 9th September, 2022 (Annexure-1) passed by learned Judge, Family Court, Jajpur in Criminal Proceeding No.96 of 2019, whereby the Petitioner has been directed to pay maintenance Rs.500/- per month to Opposite Party No.1 and Rs.1,500/- per month to Opposite Party No.2 (minor son) from the date of application, i.e., 12th June, 2019.
3. It is submitted by Mr. Mishra, learned counsel for the Petitioner that the Petitioner is paying Rs.5,000/- per month to Petitioner No.1 towards her maintenance and Rs.2,000/- per month towards house rent pursuant to order dated 23rd September, 2020 passed in DV Misc. Case No.49 of 2018. He has also paid monetary compensation of Rs.1.71 lakh to Petitioner No.1. In spite of the same, learned Family Court has directed the Petitioner to pay maintenance, as aforesaid. Thus, the quantum of maintenance requires reconsideration.

4. Taking note of the submission made by learned counsel for the Petitioner and on perusal of record, it appears that learned Judge, Family Court, while determining the quantum of maintenance, has taken the aforesaid aspect into consideration. There is also no legal bar for payment of maintenance under Section 125 Cr.P.C. to the wife even if she is awarded a monetary assistance in the proceeding under the Protection of Women from Domestic Violence Act, 2005. Further, it appears that only a meager amount of Rs.500/- has been directed to pay to Opposite Party No.1 as maintenance.

4.1 So far as Opposite Party No.2 (minor son) is concerned, no arrangement for payment of maintenance was made earlier to the proceeding under Section 125 Cr.P.C. Thus, an amount of Rs.1,500/- per month to the Opposite Party No.2 does not appear to be unreasonable and excessive. Hence, I find no infirmity in the impugned order.

5. Accordingly, the RPFAM is dismissed being devoid of any merit.

(K.R. Mohapatra)
Judge